

REMARKS

This Amendment cancels claim 15, rewrites claims 16, 21 and 23-28, and corrects an obvious typographical error in the specification. Claim 26 has been rewritten in independent form to incorporate all the features of claim 15. Claims 16, 21, 23-25, 27 and 28 have been amended to depend from claim 26. An editorial change to claim 28 has also been made. Claims 16-28 are pending.

Examiner Polk is thanked for indicating that claims 26 and 28 may be allowable if rewritten in independent form to include all the limitations of the base claim and any intervening claims. It is believed this Amendment places the entire application in condition for allowance for the reasons set forth below.

Examiner Polk is also thanked for the courtesies extended to the undersigned during a teleconference held October 20, 2003. The Examiner explained that she wished the boxes in Figs. 1 and 2 to be labeled even though each box is identified by a reference numeral.

A Request for Approval of Drawing Changes is attached. Approval of the proposed drawing changes in the next Patent Office communication is respectfully requested.

This Amendment overcomes the objection to claims 15 and 28. More particularly, claim 15 has been cancelled, claim 26 has been placed in independent form, and drafted in accordance with MPEP § 608.01(m). Claim 28 has been amended to positively recite that the

peripheral device "is removable" from the portable object. Reconsideration and withdrawal of the objection to claims 15 and 28 are earnestly requested.

The objection to the specification is respectfully traversed, as it provides proper antecedent basis for the claimed subject matter with respect to retromodulation. See page 7, line 21 to page 28, line 4 of the specification as originally filed. Reconsideration and withdrawal of the objection to the specification are earnestly requested.

The 35 U.S.C. § 112, second paragraph, rejection of claim 28 is respectfully traversed. One of ordinary skill in the art would understand the peripheral device can either be embedded within the portable object during its manufacture (page 12, lines 1-4) or, alternatively, attached to the portable object after it has been fabricated (page 12, lines 5-14). Claim 28 is directed to this second embodiment, in which the peripheral device can be separated from the portable object. Reconsideration and withdrawal of the indefiniteness rejection of claim 28 are earnestly requested.

This Amendment overcomes the 35 U.S.C. § 103(a) rejection of claims 15, 21 and 22 over U.S. Patent No. 4,506,148 to Berthold et al. in view of International Patent Application PCT/US95/08863. More particularly, claim 15 has been canceled. Claims 21 and 22 ultimately depend from claim 26, which specifies that the

peripheral device can send a response to a portable object reader by using retromodulation.

The cited combination of references fails to raise a prima facie case of obviousness against the claimed portable object. Reconsideration and withdrawal of the obviousness rejection of claims 15, 15, 21 and 22 are earnestly requested.

This Amendment also overcomes the 35 U.S.C. § 103(a) rejection of claims 16-20, 23-25 and 27 over Berthold et al. in view of PCT '863, further in view of U.S. Patent No. 5,257,486 to Teicher et al. These claims all depend directly or indirectly from independent claim 26, which specifies that the peripheral device can send a response to a portable object reader by using retromodulation.

Teicher et al. fails to remedy the deficiencies of the primary references. More particularly, Teicher et al. fails to disclose or suggest a portable object having a peripheral device which can send a response to a portable object reader by using retromodulation. Reconsideration and withdrawal of the obviousness rejection of claims 16-20, 23-25 and 27 are earnestly requested.

It is believed the application is in condition for allowance. Reconsideration and withdrawal of all rejections of claims 15-28, and issuance of a Notice of Allowance directed to claims 16-28, are earnestly requested. The Examiner is urged to telephone the

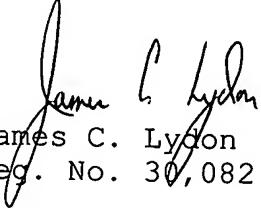
U.S. Patent Appln. S.N. 10/069,378
AMENDMENT

PATENT

undersigned should she believe any further action is required for allowance.

It is not believed that any fee is required for entry and consideration of this Preliminary Amendment. Nevertheless, the Commissioner is authorized to charge our Deposit Account No. 50-1258 in the amount of any such required fee.

Respectfully submitted,



James C. Lydon

James C. Lydon
Reg. No. 30,082

Atty. Case No.: **BONN-072**
100 Daingerfield Road
Suite 100
Alexandria, Virginia 22314
Telephone: (703) 838-0445
Facsimile: (703) 838-0447

Enclosure:

Request for Approval of Drawing Changes